

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
November 25, 2002

The REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL was held on Monday, November 25, 2002 at 7:00 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Councilmember District No. 1; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk to County Council. Mr. Steve M. Vaughn, Councilmember District No. 5 was excused from this Regular Meeting of Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspapers, radio stations, television stations and concerned citizens.

Chairman Rozier called the meeting to order; Councilmember Spooner led in the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Rozier asked the Committee's pleasure on the Approval of Minutes for Public Hearings, Bills Numbered: 02-35, 02-38, 02-39, 02-40, 02-41, 02-42 and 02-43; and Regular Council Meeting, October 28, 2002.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve the Minutes as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION

Mr. Robert Fields of 120 Varnfield Drive, Summerville, stated that as a developer of a site on Royle Road that had been requested to rezone to Multi-Family, they have cleaned the site, removed the debris, and made it presentable. He stated they plan to build 32 units on the site that is a little over 20 acres, which is equivalent to four units in each building. These are brick buildings and they do have experience in apartments as well as Single-Family homes. Mr. Fields stated he had been in Industrial Development for 20 years. They have also developed Brookhaven on Ladson Road and the Summerville Business Center in Summerville. The reason they are approaching the need for this site is that they have 150 employees at Summerville Business Center and a lot of them have recently approached us about apartments. The apartments would have 2 bedrooms, 2 baths, the entire site would be fenced with a green area, and would have an on site manager that is a part owner in property. They would actually live on the site to insure that there are no problems. Mr. Fields asked that Council reconsider the recent denial so they may go forward with their plans and meet with any of the local residents that

object to this rezoning. He stated they like Summerville, they develop in Summerville, and feel this would be a good site for this project. All of the amenities and infrastructure are there for this project.

Mr. Francis O. Gibson of 1076 Royle Road stated the letter he would provide Council with is in objection to the Apartment Complex that was previously addressed by Mr. Fields. He stated he also has a petition with 60 names signed by members of the community. The introduction of the petition read, "We the undersigned residents and landowners of Pine Vista do not want or need an apartment complex on Royle Road or any other road in Pine Vista because apartments would be more than necessary for our single home dwellings. There are more than a dozen mobile home parks on Royle Road and Christy's MHP has 25 mobile homes as well as other mobile home parks on Royle Road with 10 or more mobile homes and there are some MHPs on Frankie Lane. We feel that we have enough extra people with teenagers walking the roads and vandalizing some our properties as well as too much traffic on the roads in our subdivision without adding an apartment complex." (A copy of the petition is attached hereto and by reference is made a part hereof.)

Mr. Gibson stated one problem they experienced was they didn't know to come to the Planning Meeting to object because the sign was inadvertently taken down.

Mr. Gibson continued with his letter submitted to the Planning & Zoning Department, Tuesday, April 2, 2002, Re: Rezoning Request, per old TMS#s 233-06-00-015 and 016 as follows: "Enclosure 1) Letter submitted to Zoning and Planning Board, Tuesday, April 2, 2002. Ladies and Gentleman, Enclosure 1 is a letter previously submitted explaining why this Ladson Community does not need the subject property rezoned from Single-Family dwelling to Multi-Family dwelling. I was notified of a request to rezone this property on the morning of November 6, 2002. I was informed that this request was discussed and approved at the Zoning and Planning Board meeting on November 5, 2002. The request was forwarded to County Council for First Reading on November 18, 2002 because there was no opposition. Documentation will be presented and explained why this community was not aware of the request and did not show up to object. My objections are still the same whether adding a trailer park as originally requested or an apartment complex as it's presently requested. As previously stated in Enclosure 1 some of the reasons were: (1) the existing overcrowding per capita in this small area causes many problems; a) too many children already with no playground and too much idle time; b) potential drug related problems; c) existing traffic flow has increased so significantly that this area is already a hazard to children with traffic entering and exiting Royle Road; d) a new school and another new community are being built less than a mile from this property; e) this community is already primarily transit renters. We need homestead people who have ownership pride and would work to improve the community. The fire and police department coverage is questionable because of the small area with so many people. Theft and crime is already high and would increase."

Mr. Gibson thanked Council for the opportunity to present their objections and requested that their representative on County Council not approve the rezoning request. This would aid their concerned community in helping to control an already bad situation from getting worse by

allowing an over abundance of mobile homes and apartment complexes in an area that's too small.

Chairman Rozier stated an Executive Session was need to discuss matters related to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to go into Executive Session for the reasons stated. The motion passed by unanimous voice vote of Council.

Berkeley County Council entered Executive Session at 7:10 p.m. and returned at 8:05 p.m.

Mr. Stokes stated Berkeley County went into Executive Session to discuss matters as stated in the motion; no formal action was taken.

Chairman Rozier stated there were eight Bills for Third Reading and he read those.

THIRD READINGS:

“BILL NO. 02-44, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #252-00-00-036.”
(Beazer Homes for St. James Episcopal Church of Goose Creek)

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to approve **Bill No. 02-44** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-11-49 is attached to these Minutes.)

“BILL NO. 02-45, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #234-00-00-135.”
(New South Enterprises, Inc.)

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve **Bill No. 02-45** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-11-50 is attached to these Minutes.)

“BILL NO. 02-46, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #222-11-00-062.”
(Tom Ervin for the Estate of Henry Yaschick)

It was moved by Councilmember Spooner and seconded by Councilmember Farley to approve **Bill No. 02-46** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-11-51 is attached to these Minutes.)

“BILL NO. 02-47, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #209-06-00-036.”
(Perry T. Driggers)

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve **Bill No. 02-47** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-11-52 is attached to these Minutes.)

“BILL NO. 02-48, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #087-00-04-059.”
(Lewis W. Mills)

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve **Bill No. 02-48** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-11-53 is attached to these Minutes.)

“BILL NO. 02-49, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #207-00-02-063, #207-00-02-113 THROUGH 118.” (Howard Sherman for The Sherman Agency.)

It was moved by Councilmember Pinckney and seconded by Councilmember Crosby to approve **Bill No. 02-49** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-11-54 is attached to these Minutes.)

“BILL NO. 02-50, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #152-00-00-054 AND 057.” (David Dix)

It was moved by Councilmember Spooner and seconded by Councilmember Farley to approve **Bill No. 02-50** to Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-11-55 is attached to these Minutes.)

“BILL NO. 02-51, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #271-00-01-035.”
(Theodore D. Stoney, Jr.)

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to approve Bill No. 02-51 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-11-56 is attached to these Minutes.)

Chairman Rozier continued with the Bills for Second Reading.

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READINGS:

“BILL NO. 02-56, AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 01-8-35, ADOPTED AUGUST 27, 2001, ZONING AND DEVELOPMENT STANDARDS ORDINANCE, ‘BERKELEY COUNTY ZONING ORDINANCE’ AND TO REPEAL IN THEIR ENTIRETY ORDINANCES NUMBERED 86-12-10, 87-9-17, 88-2-3 AND 93-12-33.”

“BILL NO. 02-57, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #263-00-03-028.”
(New South Enterprises, Inc.)

“BILL NO. 02-58, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #222-00-00-050.”
(George R. Herrin as Trustee)

“BILL NO. 02-59, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #222-11-00-037.”
(Linda L. Berger)

“BILL NO. 02-60, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #195-14-00-064.”
(Doretta M. Olszewski)

“BILL NO. 02-61, AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK, EXECUTED ON APRIL 24,

1995, BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND WILLIAMSBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE ADDITIONAL PROPERTY IN BOTH BERKLEY COUNTY AND WILLIAMSBURG COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO.”

“**BILL NO. 02-62**, AN ORDINANCE AUTHORIZING BERKELEY COUNTY, SOUTH CAROLINA (THE ‘COUNTY’) TO ENTER INTO A SECOND ADDENDUM TO THAT CERTAIN PERSONAL PROPERTY LEASE PURCHASE AGREEMENT WITH NORTON MCNAUGHTON OF SQUIRE, INC. AND SUCH OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH AS APPROVED BY THE CHAIRMAN/SUPERVISOR OF COUNTY COUNCIL WHICH AGREEMENTS INCLUDE (A) THE CONSENT OF THE COUNTY TO THE MERGER OF MCNAUGHTON APPAREL HOLDINGS INC. INTO NORTON MCNAUGHTON OF SQUIRE, INC. AND (B) AT THE ELECTION OF NORTON MCNAUGHTON OF SQUIRE, INC., EITHER (I) THE CONVERSION OF THE FEE-IN-LIEU OF TAXES ARRANGEMENT INTO A NON-LEASEHOLD ARRANGEMENT UNDER CHAPTER 44 OF TITLE 12 OF THE SOUTH CAROLINA CODE OF LAWS (TOGETHER WITH THE RECONVEYANCE TO NORTON MCNAUGHTON OF SQUIRE, INC. OF THE PERSONAL PROPERTY LEASED BY NORTON MCNAUGHTON OF SQUIRE, INC. FROM THE COUNTY PURSUANT TO THE PERSONAL PROPERTY LEASE PURCHASE AGREEMENT) OR (II) THE ACCEPTANCE BY THE COUNTY OF TITLE TO THE PERSONAL PROPERTY WITH RESPECT TO THE SECOND PHASE OF THE PROJECT AND THE LEASE OF SUCH PERSONAL PROPERTY BACK TO NORTON MCNAUGHTON OF SQUIRE, INC. AND AUTHORIZING THE EXECUTION AND DELIVERY OF SAID ADDENDUMS, DOCUMENTS AND AGREEMENTS.”

“**BILL NO. 02-63**, AN ORDINANCE OF BERKELEY COUNTY, SOUTH CAROLINA (THE ‘COUNTY’) (A) CONSENTING, AS REQUIRED BY THE TERMS OF THAT CERTAIN REAL PROPERTY LEASE PURCHASE AGREEMENT (THE ‘REAL PROPERTY LEASE AGREEMENT’) BETWEEN THE COUNTY AND E. AND H. ROSS/CHARLESTON INDUSTRIAL, LLC (‘ROSS’), TO THE MERGER OF MCNAUGHTON APPAREL HOLDINGS INC. INTO NORTON MCNAUGHTON OF SQUIRE, INC. (‘NORTON MCNAUGHTON’), (B) CONVERTING THE EXISTING FEE-IN-LIEU OF TAXES ARRANGEMENT WITH ROSS INTO A NON-LEASEHOLD ARRANGEMENT UNDER CHAPTER 44 OF TITLE 12 OF THE SOUTH CAROLINA CODE OF LAWS AND IN CONNECTION THEREWITH AUTHORIZING THE RECONVEYANCE BY THE COUNTY TO ROSS OF THE REAL PROPERTY LEASED BY ROSS FROM THE COUNTY UNDER THE REAL PROPERTY LEASE AGREEMENT, (C) CONSENTING TO THE ADDITION OF NORTH POINT PARK, LLC (‘NORTH POINT’) AS A SPONSOR AFFILIATE FOR PURPOSES OF COMPLETING THE SECOND PHASE OF THE PROJECT DESCRIBED IN THE FILOT AGREEMENT (AS DEFINED BELOW), (D) SUBJECTING THE LAND ON WHICH THE SECOND PHASE OF THE PROJECT IS LOCATED TO THE TERMS AND CONDITIONS OF THE FILOT AGREEMENT, AND (E) AUTHORIZING THE

EXECUTION AND DELIVERY BY THE COUNTY OF A FEE-IN-LIEU OF TAXES AGREEMENT ('FILOT AGREEMENT') AMONG THE COUNTY, ROSS, NORTH POINT AND NORTON MCNAUGHTON AND SUCH OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH AS APPROVED BY THE CHAIRMAN/SUPERVISOR OF COUNTY COUNCIL TO EFFECT THE FOREGOING."

"BILL NO. 02-64, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT AND CERTAIN INSTRUMENTS RELATING THERETO BY AND BETWEEN BERKELEY COUNTY AND KNOLOGY OF CHARLESTON, INC., WHEREBY, BERKELEY COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH KNOLOGY OF CHARLESTON, INC.; PROVIDING FOR PAYMENT BY KNOLOGY OF CHARLESTON, INC. OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND OTHER MATTERS RELATING THERETO."

It was moved by Councilmember Farley and seconded by Councilmember Crosby to approve **Bills Numbered 02-56, 02-57, 02-58, 02-59, 02-60, 02-61, 02-62, 02-63 and 02-64** for Second Reading. The motion passed by unanimous voice vote of the Committee.

Chairman Rozier stated there were five Bills for First Reading and explained that on Bills for First Reading there was no discussion or vote. The Bills are simply read into the record by title only and sent to the proper committee for discussion.

FIRST READINGS:

"BILL NO. 02-65, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP FO BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #263-00-03-032." (Ted E. Andrae for W. B. Cox & Lorraine Easterby)

"BILL NO. 02-66, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP FO BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #221-16-01-017." (Gralin Hampton)

"BILL NO. 02-67, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP FO BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #210-00-00-076." (Marea B. Matthews)

"BILL NO. 02-68, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP FO BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #175-00-01-054." (Johnnie B. Capers)

“BILL NO. 02-69, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP FO BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #184-00-00-014.” (Benjamin D. Villeponteaux)

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2002-2003 BERKLEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Crosby and seconded by Councilmember Farley to approve the Transfer Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-53 is attached to these Minutes.)

“RESOLUTION GIVING AN EXTRA DAY OF PAID VACATION IN RECOGNITION OF THE 2002 CHRISTMAS HOLIDAY.”

It was moved by Councilmember Pinckney and seconded by Councilmember Spooner to approve the Resolution for extra day of paid vacation. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-54 is attached to these Minutes.)

“RESOLUTION MAKING APPLICATION TO THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA PURSUANT TO SECTION 1-11-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, FOR ITS APPROVAL OF AN ALLOCATION OF THE STATE’S 2002 PRIVATE ACTIVITY BOND CAP AND A CARRY-FORWARD ELECTION WITH RESPECT TO SUCH ALLOCATION, BOTH RELATED TO EXEMPT FACILITY INDUSTRIAL REVENUE BONDS (BP AMOCO CHEMICAL COMPANY PROJECT) SERIES 2003, TO BE ISSUED PURSUANT TO THE PROVISIONS OF SOUTH CAROLINA CODE ANNOTATED, TITLE 4, CHAPTER 29 (1976), AS AMENDED, IN AN APPROXIMATE PRINCIPAL AMOUNT OF \$50,000,000”

It was moved by Councilmember Spooner and seconded by Councilmember Farley to approve the Resolution for BP Amoco Chemical Company.

Councilmember Pinckney asked for an explanation on the Resolution?

Chairman Rozier stated this is for an addition to the Amoco building and they were in the process of funding some of it with Bonds from the State that the Company would pay back tax-free. The County is under no obligation in matters such as this; these are funds provided by the Federal Government to create jobs.

Mr. Stokes stated the County has to apply because the property under the fee-in-lieu agreement is in the County’s name.

The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 05-55 is attached to these Minutes.)

Without Objection Chairman Rozier read the final Resolution.

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO NEGOTIATE AND EXECUTE AN OPTION AGREEMENT FOR THE PURCHASE OF PROPERTY LOCATED AT THE CROSSROADS OF HIGHWAY 52 AND BYPASS 52 IN MONCKS CORNER, SOUTH CAROLINA.”

It was moved by Councilmember Crosby to approve the Resolution authorizing the Supervisor to negotiate property located at the Crossroads of Highway 52 and Bypass 52 in Moncks Corner, SC. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-56 is attached to these Minutes.)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Councilmember Steve M. Vaughn, Chairman.

In the absence of Councilmember Vaughn, Councilmember Spooner who chaired the Committee stated they met on November 18 and most of the items were taken care of on tonight's agenda.

It was moved by Councilmember Spooner to accept the recommendation of the Committee to approve the adoption of a credit card policy for elected officials. (No Second Required)

The motion passed by unanimous voice vote of Council.

COMMITTEE ON LAND USE, Councilmember Charles E. Davis, Chairman.

Councilmember Davis stated the Committee met on November 18 and many of the matters before them were taken care of on tonight's agenda.

Mr. LeaMond stated that Items a) Request by Raymond E. Lodge and Dean Hensley; b) Request by Anchor Commercial for Rembert Brown; c) Request by Luco Realty for Deborah Wilson; and d) Request by Brown & Oliver, LLC, were all withdrawn.

Councilmember Davis stated that all of the above items that were denied at the Committee meeting had been withdrawn.

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Councilmember William E. Crosby, Chairman.

Councilmember Crosby stated the Committee met on November 18 and many of the matters before them were taken care of on tonight's agenda.

Councilmember Crosby stated Frank Carson, County Engineer, provided the Committee with an update on the NDPES Stormwater Phase II, which was for information only; no action was required.

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Councilmember Milton Farley, Chairman.

Councilmember Farley stated the Committee met on November 18 and many of the matters before the Committee were taken care of on tonight's agenda.

Councilmember Farley indicated Chairman Rozier would address the matter Re: Solicitor's Office.

Chairman Rozier stated they had reached an agreement with the Solicitor's Office. The Solicitor has several employees that are paid by the State but are County employees. He has asked that the County assume the responsibility of paying those employees, and that the funds received from the State be turned over to the County. The County has worked out an agreement by not hiring a part time person but by transferring another position to another method of funding through the State where the employees could be assumed as being paid by the County, funded by the State through the money that comes from the Solicitor's office. The County can assume this responsibility without cost.

It was moved by Councilmember Farley and seconded by Councilmember Crosby to accept the agreement as stated with the Solicitor's office. The motion passed by unanimous voice vote of Council.

There was no report from the **COMMITTEE ON WATER AND SANITATION**, Councilmember Steve C. Davis, Chairman.

COMMITTEE ON PLANNING AND DEVELOPMENT, Councilmember Judith K. Spooner, Chairman.

Councilmember Spooner stated the Committee met on November 18 and reviewed Bill No. 02-56, amendment to the Berkeley County Zoning, which was sent to Council for Second Reading. The main changes included the incorporation of the Sign Ordinance into the Zoning Ordinance plus a few definitions that were cleared up.

Councilmember Spooner stated the Committee also worked on Bill No. 02-54, regarding permits and fees, which was held in Committee but was sent on for Public Hearing.

Chairman Rozier added that there was no objection to Bill No. 02-54 during the Public Hearing.

There was no report from the **COMMITTEE ON COMMUNITY SERVICES**, Councilmember Judy C. Mims, Chairman.

There was no report from the **COMMITTEE ON HUMAN SERVICES**, Councilmember Caldwell Pinckney, Jr., Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Councilmember Steve Davis stated he received a letter from Ms. Octavia Gethers who serves on the Library Board indicating she would like to resign.

Chairman Rozier stated Council would reorganize in January and suggested this would be a good time for Mr. Steve Davis to appoint Ms. Gethers' successor, which would be for a full term.

Councilmember Pinckney stated it was brought to his attention that the Department of Mental Health needs appointments for that Board from the various districts. He stated Ms. Debbie Calcotte at Mental Health would have the information regarding the appointee for the vacant districts.

There was no **CORRESPONDENCE**.

UNFINISHED BUSINESS

Mosquito Abatement Funding.

Chairman Rozier stated we have had a lot of mosquitoes and Council authorized the Supervisor to spend up to \$50,000 last year if the West Nile Virus was found in Berkeley County. The West Nile Virus was found in Berkeley County and we have spent \$21,497.00 in excess of budgeted amounts. Chairman Rozier indicated he needed an approval of that amount to come out of Contingency to the Mosquito Abatement Line Item. He stated he hopes that since the weather has gotten colder that we won't have a problem until next spring. However, we expect a severe problem next spring because many mosquito eggs have been laid in water, which freezes, and when it dries it does not kill the eggs. He stated the trucks normally spray five nights a week from dusk until 10:30 p.m. However, with the current situation, they have been spraying seven nights a week from dusk until after midnight. They were starting at 3:00 a.m. and spraying seven mornings a week but had to cease due to the traffic. Normally, we were getting rain and mosquitoes in spots, and were able to take care of them in those spots. Lately we've gotten rain everywhere and we simply can't control the mosquitoes. Chairman Rozier stated the money was spent all over the County but the bulk of it was spent in the areas where the West Nile Virus was found.

Chairman Rozier stated he needed a motion to transfer the \$21,497.00 from Contingency to Mosquito Abatement.

It was moved by Councilmember Pinckney and seconded by Councilmember Mims to approve the transfer in the amount of \$21,497 from Contingency to Mosquito Abatement. The motion passed by unanimous voice vote of Council.

Chairman Rozier added that \$10,449.00 was spent on aerial spraying, which covered some very large areas with an airplane the County piggybacked on with Charleston.

There was no **NEW BUSINESS**.

ANNOUNCEMENTS

Chairman Rozier announced that the next Regular Council Meeting would be held on December 16, 2002, at 7:00 p.m. All Committee Meetings would be held on December 9, 2002.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adjourn. The motion passed by unanimous voice vote of Council.

The Regular Council Meeting adjourned at 8:28 for Execution of Documents.

PUBLIC DISCUSSION

Ms. Barbara Dabbs of 102 Sugar Pine Place, Woodbridge Village, Sangaree, addressed Council regarding the Sangaree Special Tax District Commission and distributed a copy of her concerns to Council. (A copy of the document presented is attached hereto and by this reference is made a part hereof.)

In response to Ms. Dabbs statement regarding the non-acceptance of Don Harbert's resignation by Councilmember Charles Davis, Councilmember Charles Davis asked was this at the Regular Commissioner's Meeting? He stated that if he did say that it would be on the record.

Ms. Dabbs letter also stated, "Councilmember Charles Davis remarked that all Sangaree Tax District Commissioners answer to him in every matter concerning their district."

Ms. Dabbs indicated she received an e-mail from Don Harbert in regard to an e-mail sent to him by Mr. Meyers indicating the residents had concerns after a Parks and Recreation Committee Meeting where they were made fools.

Councilmember Charles Davis indicated that Ms. Bryant who does Berkeley County's audit, also, does the audit for Parks and Recreation; and he didn't think they were a commission. The Sangaree Special Tax District started Parks and Recreation about five to six years ago when he was a member. He stated he would get the minutes to the meeting to verify some comments made by Ms. Dabbs.

Councilmember Crosby suggested that the Supervisor should look into Ms. Dabbs' request or either assign someone to do it. Councilmember Charles Davis indicated that Mr. Frank Carson was hired to do the administration for Sangaree.

Ms. Dabbs referenced the documents she retrieved from the Web, which shows exactly when the non-profit when the incorporation was applied for.

Councilmember Charles Davis stated there used to be a Parks and Recreation in Sangaree about 20 years ago.

Chairman Rozier stated that he along with the Finance and Legal Departments would look into these concerns and would come back to Council with an answer to each question referenced by Ms. Dabbs.

The Public Discussion ended at 8:53 p.m.

S/Barbara B. Austin
Clerk of County Council

December 16, 2002
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on Monday November 25, 2002, is scheduled to begin at 7:00 P.M., in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

INVOCATION

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Public Hearings Bills Numbered: 02-35, 02-38, 02-39, 02-40,
02-41, 02-42 and 02-43
Regular Council Meeting

October 28, 2002
October 28, 2002

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

THIRD READING:

1. **Bill No. 02-44**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Beazer Homes for St. James Episcopal Church of Goose Creek, Foster Creek Road, Goose Creek, TMS #252-00-00-036 (30 acres portion, 49.34 acres total), from PDMU, Planned Development-Mixed Use Development District, to R-1, Single Family Residential District. Council District No. 1.
[Recommended by Committee on Land Use]

2. **Bill No. 02-45**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: New South Enterprises, Inc. for Medway Executive Office Park, L.L.C. corner of Highway 176 and Mt. Holly Road, Goose

Creek, TMS #234-00-00-135 (5.27 acres), from PDMU, Planned Development-Mixed Use Development District, to GC, General Commercial District. Council District No. 3.
[Recommended by Committee on Land Use]

3. **Bill No. 02-46**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Tom Ervin for the Estate of Henry Yaschik, Highway 17-A, Summerville TMS #222-11-00-062 (8.62 acre portion, 29 acres total) from GC, General Commercial District, and R-1, Single Family Residential District, to GC, General Commercial District. Council District No. 4.
[Recommended by Committee on Land Use]

4. **Bill No. 02-47**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Perry T. Driggers, 1354 State Road, Summerville, TMS #209-06-00-036 (2.9 acres), from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District. Council District No. 6.
[Recommended by Committee on Land Use]

5. **Bill No. 02-48**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Lewis M. Mills, 2325 North Highway 52, Bonneau, TMS #087-00-04-059 (a .4 portion of 1 lot), from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District. Council District No. 6.
[Recommended by Committee on Land Use]

6. **Bill No. 02-49**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Howard Sherman for the Sherman Agency, 120 Jed Park Place, Summerville, TMS #207-00-02-063, #207-00-02-113 through 118, (91.03 acres), from HI, Heavy Industrial District, to LI, Light Industrial District. Council District No. 7.
[Recommended by Committee on Land Use]

7. **Bill No. 02-50**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: David Dix, 3234 French Santee Road, Jamestown, TMS #152-00-00-054 and 057 (a 1.75 portion, 8.72 acres total), from F-1, Agricultural District, to GC, General Commercial District. Council District No. 8.
[Recommended by Committee on Land Use]

8. **Bill No. 02-51**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Theodore Stoney, Jr., for Jane S. Stoney, Highway 33, Wando, TMS #271-00-01-035 (50.29 acres), from GC, General Commercial District, to LI, Light Industrial District. Council District 8.
[Recommended by Committee on Land Use]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 02-56**, an Ordinance to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, "Berkeley County Zoning Ordinance" and to repeal in their entirety Ordinances Numbered 86-12-10, 87-9-17, 88-2-3 and 93-12-33.

[Recommended by Committee on Planning and Development]

2. **Bill No. 02-57**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: New South Enterprises, Inc., 1064 Clements Ferry Road, Wando, TMS # 263-00-03-028 (1 lot), from R-2, Manufactured Residential District, to GC, General Commercial District. Council District No. 2

[Recommended by Committee on Land Use]

3. **Bill No. 02-58**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: George R. Herrin as Trustee, 2813 North Main Street, Summerville, TMS #222-00-00-050 (a 127.10 acre portion, 166.53 acres total), from PDMU, Planned Development-Mixed Use Development District, to GC, General Commercial District, and (a 39.43 acre portion, 166.53 acres total) from PDMU, Planned Development-Mixed Use Development District, to R-5, Multi Family, Large Scale District. Council District No. 4.

[Recommended by Committee on Land Use]

4. **Bill No. 02-59**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Linda L. Berger, 139 Starlifter Drive, Summerville, TMS #222-11-00-037 (3 acres), from R-1, Single Family Residential District, to R-1R, Rural Single-Family District. Council District 4.

[Recommended by Committee on Land Use]

5. **Bill No. 02-60**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Doretta M. Olszewski, 1562 State Road, Summerville, TMS #195-14-00-064 (2.18 acres), from GC, General Commercial District, to F-1, Agricultural District. Council District No. 6.

[Recommended by Committee on Land Use]

6. **Bill No. 02-61**, an Ordinance to amend the agreement for development of a Joint County Industrial Park executed on April 24, 1995, by and among Berkeley County, South Carolina, and Williamsburg County, South Carolina, providing for the development of a jointly owned and operated industrial/business park so as to include additional property in both Berkeley County and Williamsburg County as part of the Joint County Industrial Park, and other matters relating thereto.

[Recommended by Committee on Finance]

7. **Bill No. 02-62**, an Ordinance authorizing Berkeley County, South Carolina (the "County") to enter into a second addendum to that certain personal property lease purchase agreement with Norton McNaughton of Squire, Inc. and such other documents and agreements in connection therewith as approved by the Chairman/Supervisor of County Council which agreements include (a) the consent of the county to the merger of McNaughton Apparel Holdings Inc. into Norton McNaughton of Squire, Inc. and (b) at the election of Norton McNaughton of Squire, Inc., either (i) the conversion of the fee-in-lieu of taxes arrangement into a non-leasehold arrangement under Chapter 44 of Title 12 of the South Carolina Code of Laws (together with the reconveyance to Norton McNaughton of Squire, Inc. of the personal property leased by Norton McNaughton of Squire, Inc. from the County pursuant to the personal property lease purchase agreement) or (ii) the acceptance by the County of title to the personal property with respect to the second phase of the project and the lease of such personal property back to Norton McNaughton of Squire, Inc. and authorizing the execution and delivery of said addendums, documents and agreements.

[Recommended by Committee on Finance]

8. **Bill No. 02-63**, an Ordinance of Berkeley County, South Carolina (the "County") (a) consenting, as required by the terms of that certain real property lease purchase agreement (the "real property lease agreement") between the County and E. and H. Ross/Charleston Industrial, LLC ("Ross"), to the merger of McNaughton Apparel Holdings Inc. into Norton McNaughton of Squire, Inc. ("Norton McNaughton"), (b) converting the existing fee-in-lieu of taxes arrangement with Ross into a non-leasehold arrangement under chapter 44 of title 12 of the South Carolina Code of Laws and in connection therewith authorizing the reconveyance by the County to Ross of the real property leased by Ross from the County under the real property lease agreement, (c) consenting to the addition of North Point Park, LLC ("North Point") as a sponsor affiliate for purposes of completing the second phase of the project described in the FILOT agreement (as defined below), (d) subjecting the land on which the second phase of the project is located to the terms and conditions of the FILOT agreement, and (e) authorizing the execution and delivery by the County of a fee-in-lieu of taxes agreement ("FILOT agreement") among the County, Ross, North Point and Norton McNaughton and such other documents and agreements in connection therewith as approved by the Chairman/Supervisor of County Council to effect the foregoing.

[Recommended by Committee on Finance]

9. **Bill No. 02-64**, an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement and certain instruments relating thereto by and between Berkeley County and Knology of Charleston, Inc., whereby, Berkeley County will enter into a fee-in-lieu of taxes arrangement with Knology of Charleston, Inc.; providing for payment by Knology of Charleston, Inc. of certain fees in lieu of Ad Valorem taxes; and other matters relating thereto.

[Recommended by Committee on Finance]

FIRST READING:

1. **Bill No. 02-65**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Ted E. Andrae for W. B. Cox &

Lorraine Easterby, 1094 Clements Ferry road, Cainhoy, TMS 263-00-03-032 (a 7 acre portion, 29.86 acres total), from R-2, Manufactured Residential District, to GC, General Commercial District. Council District No. 2.

[Recommended by Committee on Land Use]

2. **Bill No. 02-66**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Gralin Hampton, 1737 North Main Street, Summerville, TMS #221-16-01-017 (2.5 acres), from OI, Office and Institutional District, to GC, General Commercial District. Council District No. 4.

[Recommended by Committee on Land Use]

3. **Bill No. 02-67**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Marea B. Matthews, Trustee, 2963 North Main Street, Moncks Corner, TMS #210-00-00-076 (0.50 acre), from R-2, Manufactured Residential district, to GC, general Commercial District. Council District No. 6.

[Recommended by Committee on Land Use]

4. **Bill No. 02-68**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Johnnie B. Capers for Jerry & Regenia Capers, 1116 Old Gilliard Road, Ridgeville, TMS #175-00-01-054 (2 acres), from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District. Council District No. 7.

[Recommended by Committee on Land Use]

5. **Bill No. 02-69**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Benjamin D. Villeponteaux, 2779 Highway 402, Cordesville, TMS #184-00-00-014 (a .09 portion, 1 acre total), from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District. Council District No. 8.

[Recommended by Committee on Land Use]

RESOLUTIONS:

1. **RESOLUTION** providing for the Transfer of Funds in the 2002-2003 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. **RESOLUTION** giving an extra day of paid vacation in recognition of the 2002 Christmas Holiday.

[Recommended by Committee on Finance]

3. **RESOLUTION** making application to the State Budget and Control Board of South Carolina pursuant to Section 1-11-530, Code of Laws of South Carolina, 1976, as amended, for its approval of an allocation of the state's 2002 private activity bond cap and a carry-forward election with respect to such allocation, both related to exempt facility industrial

revenue bonds (BP Amoco Chemical Company Project) Series 2003, to be issued pursuant to the provisions of South Carolina Code Annotated, Title 4, Chapter 29 (1976), as amended, in an approximate principal amount of \$50,000,000.

[Recommended by Committee on Finance]

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Councilmember Steve M. Vaughn, Chairman.
Recommendation:
Adoption of credit card policy for elected officials.
2. **Committee on Land Use.**
Councilmember Charles E. Davis, Chairman.
Recommendations to Deny:
 - a. Request by Raymond E. Lodge and Dean Hensley, 977 and 983 Royle Road, Summerville, TMS #233-06-00-015 (2 acres) and TMS #233-06-00-016 (1.2 acres), from R-2, Manufactured Residential District, to R-5, Multi-Family District, Large Scale District. County District No. 4.
 - b. Request by Anchor Commercial for Rembert Brown, 115 Turtle Pond Road, Summerville, TMS #221-00-00-089 (1.21 acres) and 221-00-00-090 (1.48 acres), from R-1 Single Family Residential District, to GC, General Commercial District. Council District No. 4.
 - c. Request by Luco Realty for Deborah Wilson, Highway 16, New Hope, TMS #207-00-01-089 (61.34 acres), and Hazel A. Moorner, Highway 16, New Hope, TMS #207-00-01-090 (61.34 acres), from F-1, Agricultural District, to LI, Light Industrial District. Council District No. 7.
 - d. Request by Brown & Oliver, LLC, Highway 27 near I-26, Ridgeville, TMS #175-00-02-008 (26.49 acres), from F-1 Agricultural District, to LI, Light Industrial District. Council District No. 7.
3. **Committee on Public Works and Purchasing.**
Councilmember William E. Crosby, Chairman.
4. **Committee on Justice and Public Safety.**
Councilmember Milton Farley, Chairman
5. **Committee on Water and Sanitation.**
Councilmember Steve C. Davis, Chairman.

6. **Committee on Planning and Development.**
Councilmember Judith K. Spooner, Chairman.
7. **Committee on Community Services.**
Councilmember Judy C. Mims, Chairman.
8. **Committee on Human Services.**
Councilmember Caldwell Pinckney, Jr., Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

BERKELEY-CHARLESTON-DORCHESTER RTMA
CHARLESTON NAVAL COMPLEX REDEVELOPMENT AUTHORITY
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
GOOSE CREEK RECREATION COMMISSION
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
PLANNING COMMISSION
SPIERS LANDING COMMISSION
WATER AND SANITATION APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

Mosquito Abatement Funding.

NEW BUSINESS

ANNOUNCEMENTS

The DECEMBER 2002, Regular Meeting of Berkeley County Council will be held on MONDAY DECEMBER 16, 2002, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C., at 7:00 P.M.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

November 20, 2002
Barbara B. Austin
Clerk to County Council